

**2013 DRAFTING REQUEST**

**Bill**

Received: **1/4/2013** Received By: **pgrant**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget 6-1037** By/Representing: **Hynek**  
May Contact: Drafter: **pgrant**  
Subject: **Education - school boards** Addl. Drafters:  
**Education - state superintendent** Extra Copies: **TKK**  
**FFK**

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to:

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**Pre Topic:**

DOA:.....Hynek, BB0340 -

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**Topic:**

Part-time open enrollment expansion

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 1/8/2013	evinz 1/8/2013		_____			
/1	pgrant 1/24/2013	evinz 1/24/2013	jmurphy 1/9/2013	_____	srose 1/9/2013		State S&L
/2	pgrant 2/5/2013	evinz 2/5/2013	phenry 2/6/2013	_____	srose 1/24/2013		State S&L

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/6	pgrant 2/13/2013	evinz 2/13/2013	phenry 2/13/2013	_____	srose 2/12/2013		State S&L
/7				_____	mbarman 2/13/2013		State S&L

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15 rev 2/11/13 gm 2/11/13 gm+ pit

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*Hynek*  
2/7/13

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1/?	pgrant	1 rev 1/8/13	1 rev 1/8/13 ****	_____			
				gm+jb 1/9/13			

FE Sent For:

<END>

## Grant, Peter

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**From:** Hynek, Sara - DOA <Sara.Hynek@Wisconsin.gov>  
**Sent:** Thursday, January 03, 2013 2:33 PM  
**To:** Grant, Peter  
**Subject:** FW: Statutory Language Drafting Request - BB0340

Peter, further clarification on eligible entities:

UW comprehensives, UW colleges and extension, WTCS campuses, nonprofit institutions of higher education, tribal colleges, charter schools, CESAs, choice schools, and other non-profit educational institutions approved by DPI.

Also, we would want to specify that the tuition as calculated by DPI is the only amount that the institution can collect from either the resident school board or the student/family (the DPI-set amount is assumed to cover books, fees, tuition, labs, etc.).

**From:** [Sara.Hynek@Wisconsin.gov](mailto:Sara.Hynek@Wisconsin.gov) [mailto:[Sara.Hynek@Wisconsin.gov](mailto:Sara.Hynek@Wisconsin.gov)]  
**Sent:** Thursday, January 03, 2013 2:10 PM  
**To:** Hanaman, Cathlene - LEGIS  
**Cc:** Hynek, Sara - DOA; Hynek, Sara - DOA; Thornton, Scott - DOA  
**Subject:** Statutory Language Drafting Request - BB0340

*see x-refs 115.38 (1)(2)*

**Biennial Budget:** 2013-15

**DOA Tracking Code:** BB0340

**Topic:** Expansion of Part-Time Open Enrollment

**SBO Team:** EWD

**SBO Analyst:** Hynek, Sara - DOA  
**Phone:** (608) 266-1037  
**E-mail:** [Sara.Hynek@Wisconsin.gov](mailto:Sara.Hynek@Wisconsin.gov)

**Agency Acronym:** DPI

**Agency Number:** 255

**Priority:** High

**Intent:**

Expand part-time open enrollment by: (a) eliminating the restriction to high school students only, and (b) expanding the providers of the permitted 2 courses. Allowable providers would be: UW institutions and colleges; WTCS institutions; nonprofit institutions of higher education; tribal colleges; choice schools; charter schools; and other educational institutions located in the state, in business for at least one year, providing courses approved by DPI that result in high school or postsecondary credit or represent progress toward an education credential.

**Attachments:** False

*Please send completed drafts to [statlanguage@wisapps.wi.gov](mailto:statlanguage@wisapps.wi.gov)*



Date (time)  
needed \_\_\_\_\_

LRB- 1012 / 1 / 1

## DOA BUDGET DRAFT

PG : eev : \_\_\_\_\_

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Use the appropriate components and routines developed for bills.

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**>>FOR BUDGET — NOT READY FOR INTRODUCTION<<**

AN ACT . . . [DO NOT generate catalog]; relating to: the budget. ....

.....

.....

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*Analysis by the Legislative Reference Bureau*

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If titles are needed in the analysis, in the component bar:

For the main heading, execute: ..... create → anal: → title: → head

For the subheading, execute: ..... create → anal: → title: → sub

For the sub-subheading, execute: ..... create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ..... create → anal: → text

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(attached)

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION #.**

Section #. 115.38 (1) (d) of the statutes is amended to read:

115.38 (1) (d) The number and percentage of resident pupils attending a course ~~in a nonresident school district~~ under s. 118.52, the number of nonresident pupils attending a course in the school district under s. 118.52, and the courses taken by those pupils.

History: 1991 a. 39, 269; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27, 244; 1999 a. 9; 2001 a. 16; 2005 a. 62; 2009 a. 28.

at an educational institution

SEC. # RN. 118.52 (1) (a); 118.52 (1) (a)

SEC. # CR; 118.52 (1) (am)

118.52 (1) (am) "Educational institution" includes a public school in a nonresident school district, the University of Wisconsin System, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, a private school participating in a parental choice program under s. 118.60 or 119.23, and any other educational institution in this state that has been in business for at least one year approved by the department.

\*\*\*\* NOTE: Do you want to include any criteria or standards for DPI approval?

Section #. 118.52 (2) of the statutes is amended to read:

118.52 (2) APPLICABILITY. ~~Beginning in the 1998-99 school year,~~<sup>A</sup> a pupil enrolled in a public school ~~in the high school grades~~ may attend ~~public school in a nonresident school district~~ under this section for the purpose of taking a course offered by the ~~nonresident school district~~. A pupil may attend no more than 2 courses at any time in ~~nonresident school districts~~ under this section.

History: 1997 a. 27, 41, 164.; 2001 a. 16.

educational institutions

an educational institution

educational institution

Section #. 118.52 (3) of the statutes is amended to read:

118.52 (3) APPLICATION PROCEDURES. (a) The parent of a pupil who wishes to attend public school in ~~a nonresident school district~~ <sup>an educational institution</sup> for the purpose of taking a course under this section shall submit an application, on a form provided by the department, to the ~~school board of the nonresident school district in which~~ <sup>educational institution that</sup> the pupil wishes to attend a course not later than 6 weeks prior to the date on which the course is scheduled to commence. The application shall specify the course that the pupil wishes to attend and may specify the school or schools at which the pupil wishes to attend the course. The ~~nonresident school board~~ <sup>educational institution</sup> shall send a copy of the application to the pupil's resident school board.

(b) If a ~~nonresident school board~~ <sup>an educational institution</sup> receives more applications for a particular course than there are spaces available in the course, the ~~nonresident school board~~ <sup>educational institution</sup> shall determine which pupils to accept on a random basis.

(c) No later than one week prior to the date on which the course is scheduled to commence, the ~~nonresident school board~~ shall notify the applicant and the resident school board, in writing, whether the application has been accepted and, if the application is accepted, the school at which the pupil may attend the course. The acceptance applies only for the following semester, school year or other session in which the course is offered. If the ~~nonresident school board~~ rejects an application, it shall include in the notice the reason for the rejection.

(d) No later than one week prior to the date on which the course is scheduled to commence, the resident school board shall do all of the following:

1. If it denies an application to attend public school in a ~~nonresident school district~~ <sup>an educational institution</sup> under sub. (6), notify the applicant and the ~~nonresident school board~~ <sup>educational institution</sup> in writing, that the application has been denied and include in the notice the reason for the rejection.

2. If it determines that the course does not satisfy high school graduation requirements under s. 118.33 in the resident school district, notify the applicant in writing.

(e) Following receipt of a notice of acceptance but prior to the date on which the course is scheduled to commence, the pupil's parent shall notify the resident school board and ~~nonresident school board~~ of the pupil's intent to attend the course in the ~~nonresident school district~~.

History: 1997 a. 27, 41, 164.; 2001 a. 16.

the educational institution

educational  
institution

Section #. 118.52 (4) of the statutes is amended to read:

118.52 (4) ADOPTION OF POLICIES AND CRITERIA. <sup>Each</sup> ~~By February 1, 1998, each~~ school board shall adopt a resolution specifying the criteria and policies described in subs. (5) and (6). If the school board wishes to revise the criteria or policies, it shall do so by resolution.

History: 1997 a. 27, 41, 164.; 2001 a. 16.

or educational institution

And each educational institution

(1,916)  
Section #. 118.52 (5) of the statutes is amended to read:

(SC)

EDUCATIONAL INSTITUTION

118.52 (5) ~~NONRESIDENT SCHOOL DISTRICT~~ ACCEPTANCE AND REJECTION CRITERIA. School board

policies and criteria for accepting and rejecting applications under sub. (3) from pupils who reside in another school district shall be the same as the policies and criteria for entry into the course that apply to pupils who reside in the school district, except that the school board may give preference in attendance in a course to residents of the school district.

History: 1997 a. 27, 41, 164.; 2001 a. 16.

SEC. # RN, 118.52 (5); 118.52(5)(b)

SEC. # CR; 118.52(5)(a)

118.52 (5)(a) Except as provided in par. (b), educational institution policies and criteria for accepting applications under sub. (3) shall be the same as the policies and criteria for entry into the course for all other applicants.

educational  
institution's



Section #. 118.52 (6) of the statutes is amended to read:

an educational  
institution

118.52 (6) RESIDENT SCHOOL DISTRICT REJECTION CRITERIA. (a) *Individualized education program requirements.* The school board of a pupil's resident school district shall reject a pupil's application to attend a course in ~~a public school in a nonresident school district~~ if the resident school board determines that the course conflicts with the individualized education program for the pupil under s. 115.787 (2).

(b) *Undue financial burden.* The school board of a pupil's resident school district may reject an application to attend a course in ~~a public school in a nonresident school district~~ if the cost of the course would impose upon the resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil and the per pupil costs for children continuing to be served by the resident school district.

**History:** 1997 a. 27, 41, 164.; 2001 a. 16.

Section #. 118.52 (8) of the statutes is amended to read:

an educational institution

118.52 (8) APPEAL OF REJECTION. If an application is rejected under sub. (5) or a pupil is prohibited from attending a course in ~~a public school in a nonresident school district~~ under sub. (6), the pupil's parent may appeal the decision to the department within 30 days after the decision. The department shall affirm the ~~school board's~~ decision unless the department finds that the decision was arbitrary or unreasonable. The department's decision is final and is not subject to judicial review under subch. III of ch. 227.

History: 1997 a. 27, 41, 164.; 2001 a. 16.

educational institutions

Section #. 118.52 (9) of the statutes is amended to read:

118.52 (9) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a course ~~in a~~  
~~public school in a nonresident school district~~ <sup>at an educational institution</sup> under this section has all of the rights and privileges  
of <sup>other</sup> ~~pupils residing in that school district~~ and is subject to the same rules and regulations as <sup>those</sup> ~~pupils~~  
~~residing in that school district.~~

History: 1997 a. 27, 41, 164.; 2001 a. 16.

attending the educational institution

Section #. 118.52 (10) of the statutes is amended to read:

educational institution

118.52 (10) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident school board shall provide to the ~~nonresident school board~~ to which a pupil has applied under this section, upon request by that ~~school board~~, a copy of any expulsion findings and orders, a copy of records of any pending disciplinary proceeding involving the pupil, a written explanation of the reasons for the expulsion or pending disciplinary proceeding and the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding.

History: 1997 a. 27, 41, 164.; 2001 a. 16.

Section #. 118.52 (11) of the statutes is amended to read:

118.52 (11) TRANSPORTATION. (a) *Responsibility*. The parent of a pupil attending a course at an educational institution ~~in a public school in a nonresident school district~~ under this section is responsible for transporting the pupil to and from the course that the pupil is attending.

(b) *Low-income assistance*. The parent of a pupil who is attending a course ~~in a public school in a nonresident school district~~ under this section may apply to the department for reimbursement of the costs incurred by the parent for the transportation of the pupil to and from the pupil's residence or school in which the pupil is enrolled and the school at which the pupil is attending the course if the pupil and parent are unable to pay the cost of such transportation. The department shall determine the reimbursement amount and shall pay the amount from the appropriation under s. 20.255 (2) (cy). The department shall give preference under this paragraph to those pupils who are eligible for a free or reduced-price lunch under 42 USC 1758 (b).

History: 1997 a. 27, 41, 164.; 2001 a. 16.

Section #. 118.52 (12) of the statutes is amended to read:

118.52 (12) TUITION. The resident school board shall pay to the ~~nonresident school board~~,  
for each <sup>resident</sup> pupil attending a course ~~in a public school in the nonresident school district~~ under this  
section, an amount equal to the cost of providing the course to the pupil, calculated in a manner  
determined by the department.

History: 1997 a. 27, 41, 164.; 2001 a. 16.

educational  
institution

at the educational  
institution

from the  
pupil or the  
pupil's resident  
school board

The educational institution may not charge to  
or receive any additional payment for  
a pupil attending a course at the  
educational institution under this section.

(End)

②

~~to read a~~

ANALYSIS

part-time Open Enrollment Program,

EDUCATION

SC

PRIMARY AND SECONDARY EDUCATIONUnder <sup>the</sup> current ~~law~~ <sup>high school</sup> a pupil may take

one or two courses at a public school

located outside the pupil's school district of

residence under certain circumstances. The

pupil's resident school board must pay the

nonresident school board <sup>an</sup> ~~the~~ amount equal to the

cost of providing the course to the pupil, as

calculated in a manner determined by DPI.

This bill ~~expands the program by making~~allows pupils in all grades ~~eligible~~ to participate

in the program. The bill also allows a

pupil to attend, in addition to a public

school in a nonresident school district, a

UW institution, a technical college,  
a nonprofit institution of higher education,  
a tribal college, a charter school, a  
private school participating in a parental  
choice program, and any other educational  
institution in this state that is approved  
by DPI. Finally, the bill prohibits  
the educational institution that the pupil attends  
~~may not charge to~~ from charging to or  
receiving from a pupil or the pupil's  
resident school board any ~~additional~~  
that is  
payment ~~in~~ addition to the one determined  
by DPI.

FE-SL



LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

LRB-1012/Idn  
PG:eev

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date

Sana,

As I mentioned on the phone, I don't think the state can legally require a (other than the law), nonprofit institution of higher education, a tribal college, or a charter school to accept a pupil for attendance. And because draft does not include the criteria for DOI approval of other educational institutions, my concern may extend to the potential inclusion of other educational institutions as well.

PG



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1012/1

PG:eev:...

DOA:.....Hynek, BB0340 - Part-time open enrollment expansion

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

1 AN ACT <sup>don't gen</sup> relating to: the budget.

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*Analysis by the Legislative Reference Bureau*  
**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under the current part-time Open Enrollment Program, a high school pupil may take one or two courses at a public school located outside the pupil's school district of residence under certain circumstances. The pupil's resident school board must pay the nonresident school board an amount equal to the cost of providing the course to the pupil, as calculated in a manner determined by DPI.

This bill allows pupils in all grades to participate in the program. The bill also allows a pupil to attend, in addition to a public school in a nonresident school district, a UW institution, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, a private school participating in a parental choice program, and any other educational institution in this state that is approved by DPI. Finally, the bill prohibits the educational institution that the pupil attends from charging to or receiving from a pupil or the pupil's resident school board any payment that is in addition to the one determined by DPI.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 115.38<sup>✓</sup> (1) (d) of the statutes is amended to read:

2           115.38 (1) (d) The number and percentage of resident pupils attending a course  
3           ~~in a nonresident school district~~ at an educational institution under s. 118.52, the  
4           number of nonresident pupils attending a course in the school district under s.  
5           118.52, and the courses taken by those pupils.

6           **SECTION 2.** 118.52<sup>✓</sup> (1) (a) of the statutes is renumbered 118.52 (1) (ar).

7           **SECTION 3.** 118.52<sup>✓</sup> (1) (am) of the statutes is created to read:

8           118.52 (1) (am) "Educational institution" includes a public school in a  
9           nonresident school district, the University of Wisconsin System, a technical college,  
10          a nonprofit institution of higher education, a tribal college, a charter school, a private  
11          school participating in a parental choice program under s. 118.60 or 119.23, and any  
12          other educational institution in this state that has been approved by the department.

\*\*\*NOTE: Do you want to include any criteria or standards for DPI approval?

13          **SECTION 4.** 118.52<sup>✓</sup> (2) of the statutes is amended to read:

14          118.52 (2) APPLICABILITY. ~~Beginning in the 1998-99 school year, a~~ A pupil<sup>\*</sup>  
15          enrolled in a public school in ~~the high school grades~~ may attend public school in a  
16          ~~nonresident school district~~ an educational institution under this section for the  
17          purpose of taking a course offered by the ~~nonresident school district~~ educational  
18          institution. A pupil may attend no more than 2 courses at any time in ~~nonresident~~  
19          ~~school districts~~ educational institutions under this section.

20          **SECTION 5.** 118.52<sup>\*</sup> (3) <sup>(a), (b), (c), (d) and (e)</sup> of the statutes is amended to read:

21          118.52 (3) APPLICATION PROCEDURES. <sup>Lare</sup> (a) The parent of a pupil who wishes to  
22          attend public school in ~~a nonresident school district~~ an educational institution for the<sup>\*</sup>  
23          purpose of taking a course under this section shall submit an application, on a form  
24          provided by the department, to the ~~school board of the nonresident school district in~~

① ~~which~~ educational institution <sup>at which</sup> ~~that~~ the pupil wishes to attend a course not later than  
2 6 weeks prior to the date on which the course is scheduled to commence. The  
3 application shall specify the course that the pupil wishes to attend and may specify  
④ the school or schools at which the pupil wishes to attend the course. The <sup>Δ</sup> ~~nonresident~~  
5 ~~school board~~ educational institution shall send a copy of the application to the pupil's  
6 resident school board.

7 (b) If ~~a nonresident school board~~ an educational institution receives more ★  
8 applications for a particular course than there are spaces available in the course, the  
9 ~~nonresident school board~~ educational institution shall determine which pupils to  
10 accept on a random basis.

11 (c) No later than one week prior to the date on which the course is scheduled  
12 to commence, the ~~nonresident school board~~ educational institution shall notify the  
13 applicant and the resident school board, in writing, whether the application has been  
14 accepted and, if the application is accepted, the school at which the pupil may attend  
15 the course. The acceptance applies only for the following semester, school year or  
16 other session in which the course is offered. If the ~~nonresident school board~~  
17 educational institution rejects an application, it shall include in the notice the reason  
18 for the rejection.

19 (d) No later than one week prior to the date on which the course is scheduled  
20 to commence, the resident school board shall do all of the following:

21 1. If it denies an application to attend public school in ~~a nonresident school~~ ★  
22 ~~district~~ an educational institution under sub. (6), notify the applicant and the  
23 ~~nonresident school board~~ educational institution, in writing, that the application has  
24 been denied and include in the notice the reason for the rejection.

2. If it determines that the course does not satisfy high school graduation requirements under s. 118.33 in the resident school district, notify the applicant in writing.

(e) Following receipt of a notice of acceptance but prior to the date on which the course is scheduled to commence, the pupil's parent shall notify the resident school board and ~~nonresident school board~~ the educational institution of the pupil's intent to attend the course in the ~~nonresident school district~~ educational institution.

**SECTION 6.** 118.52<sup>x</sup> (4) of the statutes is amended to read:

118.52 (4) ADOPTION OF POLICIES AND CRITERIA. By February 1, 1998, each Each school board and each educational institution shall adopt a resolution specifying the criteria and policies described in subs. (5) and (6). If the school board or educational institution wishes to revise the criteria or policies, it shall do so by resolution.

**SECTION 7.** 118.52<sup>✓</sup> (5) (title) of the statutes is amended to read:

118.52 (5) (title) ~~NONRESIDENT SCHOOL DISTRICT~~ EDUCATIONAL INSTITUTION  
ACCEPTANCE AND REJECTION CRITERIA.

**SECTION 8.** 118.52<sup>x</sup> (5) of the statutes is renumbered 118.52 (5) (b).

**SECTION 9.** 118.52<sup>✓</sup> (5) (a) of the statutes is <sup>✓</sup>created to read:

118.52 (5) (a) Except as provided in par.<sup>✓</sup>(b), educational institution policies and criteria for accepting applications under sub.<sup>✓</sup>(3) shall be the same as the educational institution's policies and criteria for entry into the course for all other applicants.

**SECTION 10.** 118.52<sup>x</sup> (6) of the statutes is amended to read:

118.52 (6) RESIDENT SCHOOL DISTRICT REJECTION CRITERIA. (a) *Individualized education program requirements.* The school board of a pupil's resident school district shall reject a pupil's application to attend a course in ~~a public school in a~~ nonresident school district an educational institution if the resident school board

1 determines that the course conflicts with the individualized education program for  
2 the pupil under s. 115.787 (2).

3 (b) *Undue financial burden.* The school board of a pupil's resident school  
4 district may reject an application to attend a course in ~~a public school in a~~  
5 ~~nonresident school district~~ an educational institution if the cost of the course would  
6 impose upon the resident school district an undue financial burden in light of the  
7 resident school district's total economic circumstances, including its revenue limit  
8 under subch. VII of ch. 121, its ability to pay tuition costs for the pupil and the per  
9 pupil costs for children continuing to be served by the resident school district.

10 **SECTION 11.** 118.52<sup>x</sup> (8) of the statutes is amended to read:

11 118.52 (8) APPEAL OF REJECTION. If an application is rejected under sub. (5) or  
12 a pupil is prohibited from attending a course in ~~a public school in a nonresident school~~  
13 ~~district~~ an educational institution under sub. (6), the pupil's parent may appeal the  
14 decision to the department within 30 days after the decision. The department shall  
15 affirm the ~~school board's~~ educational institution's decision unless the department  
16 finds that the decision was arbitrary or unreasonable. The department's decision is  
17 final and is not subject to judicial review under subch. III of ch. 227.

18 **SECTION 12.** 118.52<sup>x</sup> (9) of the statutes is amended to read:

19 118.52 (9) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a  
20 course in ~~a public school in a nonresident school district~~ at an educational institution  
21 under this section has all of the rights and privileges of other pupils ~~residing in that~~  
22 ~~school district~~ attending the educational institution and is subject to the same rules  
23 and regulations as those pupils ~~residing in that school district~~.

24 **SECTION 13.** 118.52<sup>x</sup> (10) of the statutes is amended to read:

1           118.52 (10) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident  
2 school board shall provide to the ~~nonresident school board~~ educational institution to  
3 which a pupil has applied under this section, upon request by that ~~school board~~  
4 educational institution, a copy of any expulsion findings and orders, a copy of records  
5 of any pending disciplinary proceeding involving the pupil, a written explanation of  
6 the reasons for the expulsion or pending disciplinary proceeding and the length of  
7 the term of the expulsion or the possible outcomes of the pending disciplinary  
8 proceeding.

9           ~~118.52~~ <sup>\*</sup> SECTION 14. 118.52 (11) of the statutes is amended to read:

10           118.52 (11) TRANSPORTATION. (a) *Responsibility.* The parent of a pupil  
11 attending a course ~~in a public school in a nonresident school district~~ at an educational  
12 institution under this section is responsible for transporting the pupil to and from  
13 the course that the pupil is attending.

14           (b) *Low-income assistance.* The parent of a pupil who is attending a course in  
15 ~~a public school in a nonresident school district~~ at an educational institution under  
16 this section may apply to the department for reimbursement of the costs incurred by  
17 the parent for the transportation of the pupil to and from the pupil's residence or  
18 school in which the pupil is enrolled and the school at which the pupil is attending  
19 the course if the pupil and parent are unable to pay the cost of such transportation.  
20 The department shall determine the reimbursement amount and shall pay the  
21 amount from the appropriation under s. 20.255 (2) (cy). The department shall give  
22 preference under this paragraph to those pupils who are eligible for a free or  
23 reduced-price lunch under 42 USC 1758 (b).

24           ~~118.52~~ <sup>\*</sup> SECTION 15. 118.52 (12) of the statutes is amended to read:

118.52 (12) TUITION. The resident school board shall pay to the nonresident school board educational institution, for each resident pupil attending a course in a public school in the nonresident school district at the educational institution under this section, an amount equal to the cost of providing the course to the pupil, calculated in a manner determined by the department. The educational institution may not charge to or receive from the pupil or the pupil's resident school board any additional payment for a pupil attending a course at the educational institution under this section.

**(END)**



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1012/1dn

PG:eev:...

January 8, 2013

Sara,

As I mentioned on the phone, I don't think the state can legally require a nonprofit institution of higher education (other than the UW), a tribal college, or a charter school to accept a pupil for attendance. And because the draft does not include criteria for DPI approval of other educational institutions, my concern may extends to the potential inclusion of other educational institutions as well.

Peter R. Grant  
Managing Attorney  
Phone: (608) 267-3362  
E-mail: peter.grant@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1012/1dn  
PG:eev:jm

January 8, 2013

Sara,

As I mentioned on the phone, I don't think the state can legally require a nonprofit institution of higher education (other than the UW), a tribal college, or a charter school to accept a pupil for attendance. And because the draft does not include criteria for DPI approval of other educational institutions, my concern extends to the potential inclusion of other educational institutions as well.

Peter R. Grant  
Managing Attorney  
Phone: (608) 267-3362  
E-mail: [peter.grant@legis.wisconsin.gov](mailto:peter.grant@legis.wisconsin.gov)

## Grant, Peter

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**From:** Hynek, Sara - DOA <Sara.Hynek@Wisconsin.gov>  
**Sent:** Thursday, January 24, 2013 10:34 AM  
**To:** Grant, Peter  
**Subject:** RE: LRB 1012 - open enrollment

I don't know that we would want the educational institution to be required to adopt them – I can imagine that there are institutions that will not be receiving students through this program and don't want them all to put out policies that would never get used. And it would be difficult to have them create the policies only upon an application from a student – then they've already got the application and could tailor the policies one way or the other based on the applications. So I think we should just leave them out of the requirement.

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**From:** Grant, Peter [<mailto:Peter.Grant@legis.wisconsin.gov>]  
**Sent:** Tuesday, January 22, 2013 10:19 AM  
**To:** Hynek, Sara - DOA  
**Subject:** RE: LRB 1012 - open enrollment

One more question. Look at p. 4, lines 6 to 9 of the draft. Does this need to be changed so that an educational institution (other than a school board) is *not* required to adopt policies and criteria for accepting applications? Or must they, also, adopt policies and criteria, but those policies and criteria need not be the same as they are for other applicants?

---

**From:** Hynek, Sara - DOA [<mailto:Sara.Hynek@Wisconsin.gov>]  
**Sent:** Tuesday, January 22, 2013 10:05 AM  
**To:** Grant, Peter  
**Subject:** RE: LRB 1012 - open enrollment

Hi Peter – in your first option, did you mean leave 118.52(5) intact? If so, that sounds like the best option to me. If we could make school boards comply with current requirements, and for the “other” educational institutions leave it to their discretion, that would be best. Thanks!

---

**From:** Grant, Peter [<mailto:Peter.Grant@legis.wisconsin.gov>]  
**Sent:** Monday, January 21, 2013 3:12 PM  
**To:** Hynek, Sara - DOA  
**Subject:** FW: LRB 1012 - open enrollment

Sara, we have several options.

We could leave it up to the educational institution, and leave 118.55 (5) as is (so school boards would be restricted but no other educational institution would be).

We could leave the draft as is but on page 4, line 17, delete “applicants” and substitute something like “...for all other *students enrolled in the educational institution.*” That would solve the specific problem you raise.

Or, a third option, we could copy Youth Options and not only delete page 4, lines 14 to 17, but repeal 118.52 (5) as well, thus leaving it up to each educational institution's discretion (including school boards).

Let me know what you'd like to do.

peter

---

**From:** Kuczenski, Tracy  
**Sent:** Monday, January 21, 2013 11:35 AM  
**To:** Hynek, Sara - DOA  
**Cc:** Grant, Peter  
**Subject:** RE: LRB 1012 - open enrollment

Hi Sara –

This is Peter's draft...

Tracy

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

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**From:** Hynek, Sara - DOA [<mailto:Sara.Hynek@Wisconsin.gov>]  
**Sent:** Sunday, January 20, 2013 9:14 PM  
**To:** Kuczenski, Tracy  
**Subject:** LRB 1012 - open enrollment

Hi Tracy -

On page 4, line 17, I'm thinking we might need to permit for an educational institution to use some other criteria of its choosing (I imagine the usual criteria for enrolling in a class might be admission to the institution or something). It looks like Youth Options, which would be similar, is silent on the issue. There's an application, but no real requirements as to the standards for admission. Could we be silent, or leave it to the discretion of the educational institution?

Thanks!

Sara